

CITY OF MIAMI BEACH

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Code Compliance

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Dear Candidate:

Thank you for taking the time out of your busy campaign schedule to learn about the rules and regulations regarding the placement of election signs within the City of Miami Beach. There are different regulations for public property, private property and for your Miami Beach campaign headquarters.

Public Property - The Code of the City of Miami Beach strictly prohibits the placing of signs on public property. Section 82-412(a) states "It shall be unlawful for any person to place, post or affix, own, or be the benefactor of the placing, posting, or affixing of, any sign upon a public sidewalk, building, fence, wall, boardwalk, pole, apparatus or equipment belonging to an electric utility company or other object or structure located upon a public sidewalk, swale, area or median within the city." Violations of Section 82-412 will result in the issuance of citations with immediate fines. Each sign is treated as a separate violation.

The fine for the first offense is \$50.00 per sign, second offense \$250.00 per sign and third or subsequent offense \$500.00 per sign. All costs incurred by the city for the removal of these signs will also be the responsibility of the violator.

Private Property - Signs on private property must meet the sign area limitations pursuant to Section 138-134 of the Miami Beach City Code (MBCC). The maximum aggregate sign area for election signs in the single family zoning districts is four (4) square feet. The sign area for all other zoning districts shall not exceed one square foot per three linear feet of street frontage, with a maximum sign area of not more than 75 square feet. Owners of properties that have election signs which exceed the maximum allowed area will be issued warning notices. Failure to reduce the sign area to the allowable amount will result in the case being forwarded to the Special Master for a hearing. The Special Master may impose fines of up to \$1000.00 per day per violation or in the case of a repeat violation up to \$5000.00 per day per violation.

Campaign Headquarters - Section 138-134(c) of the MBCC provides that campaign headquarters in commercial or industrial districts shall not have a sign area limitation. Each candidate may have four campaign headquarters which shall be registered with the City Clerk.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to contact the Code Compliance Division at (305) 673-7555.

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Sec. 138-134. Election signs.

- (a) Election signs are signs announcing political candidates seeking public office or advocating positions relating to ballot issues.
- (b) In a commercial district or industrial district the number is limited only by sign area regulations. In residential districts there shall be no more than one sign per residential building or lot.
- (c) The sign area in commercial or industrial districts for campaign headquarters shall not have a sign area limitation. Each candidate may have four campaign headquarters which shall be registered with the city clerk. Other commercial or industrial district locations shall have the same requirements as for construction signs or real estate signs, whichever is larger. The sign area in residential districts shall be the same as for construction signs.
- (d) Election signs shall be removed seven days following the election to which they are applicable.
- (e) It shall be unlawful for any person to paste, glue, print, paint or to affix or attach by any means whatsoever to the surface of any public street, sidewalk, way or curb or to any property of any governmental body or public utility any political sign, poster, placard or automobile bumper strip designed or intended to advocate or oppose the nomination or election of any candidate or the adoption or rejection of any political measure.

Sec. 138-133. Construction signs.

- (a) Construction signs shall be located on the construction site. Sign copy may include, but not limited to, the project name, the parties involved in the construction and financing, their phone numbers, e-mail addresses, or web sites. Unit prices may be indicated in accordance with the provisions contained herein. Artistic murals or ornamental signs are permitted on construction fences surrounding the project site, subject to the provisions contained herein and design review approval.
- (b) There shall be a maximum of one construction sign per street frontage.
- (c) The sign area for window signs shall not exceed ten percent of total window area. The sign area for single-family signs is four square feet. The sign area for all other districts, shall not exceed one square foot per three linear feet of street frontage, not to exceed 75 square feet. The area contained in renderings, decorative or artistic portions of such signs shall be included in the sign area calculation, in accordance with the provisions herein. When unit prices are allowed they shall not exceed ten percent of the total sign area and numbers shall not exceed six inches in height.
- (d) Temporary construction signs may be erected and maintained for a period beginning with the issuance of a building permit and must be removed within six months from the date the area of new construction or substantial rehabilitation receives a temporary or final certificate of occupancy or a certificate of completion, whichever applies. However, any such signs shall be removed immediately if the building permit expires and construction has not commenced and/or if the permit is not renewed.
- (e) All signs shall be reviewed under the design review process. Construction signs may be flat wall signs, part of a construction fence, or rigid detached signs, affixed to posts or a construction fence. Banners are prohibited. Should the permitted construction sign be part of a construction fence, the size of the sign copy shall not exceed what is permitted under (c) above, however, a rendering of the project, or artistic mural affixed directly on a construction fence shall not be computed as part of the sign area. Unless affixed to a construction fence or an existing building, detached construction signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a construction fence shall be 12 feet above grade. Maximum height to the top of a flat sign affixed to a building shall not extend above the second story of such building.

Sec. 82-412. Posting of signs on utility company property or public property prohibited; enforcement; fines; appeal.

- (a) Generally. It shall be unlawful for any person to place, post or affix, own, or be the benefactor of the placing, posting, or affixing of, any sign upon a public sidewalk, building, fence, wall, boardwalk, pole, apparatus or equipment belonging to an electric utility company or other object or structure located upon a public sidewalk, swale, area or median within the city. In addition to any other remedy available by law or ordinance, enforcement against the owner or benefactor and/or person who placed, posted or affixed the sign shall be as outlined in this section. A lessor (or sublessor) of premises which are the subject of an illegal sign

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without the knowledge or approval or benefit of such lessor (or sublessor) shall not be liable for violations under this section.

Signs affixed or held with a securing device. In the event that an illegal sign(s) in the right-of-way is affixed with an adhesive, glue, staples, tacks, or nails that require extra ordinary effort, labor and or material to remove, then said sign shall be subject to enforcement as outlined in this section.

(b) Authorizing others to post signs prohibited. It shall be unlawful for any person to knowingly authorize or employ any person to cause the placing, posting or affixing of any sign not exempt pursuant to subsection 82-412(d) herein upon a public sidewalk, building, fence, wall, boardwalk, pole or other object or structure located upon a public sidewalk, swale area or median within the city.

(c) Definitions. For the purpose of this section the following words shall have the following meanings: Extra ordinary effort. Labor and or material shall mean where a city employee cannot remove the signs by simply standing on the public right-of-way and pulling on the sign for its removal, extra ordinary effort, labor and material include having to scrape, pry, with a device, and or reach with a ladder or lifting device, and or require more than one individual for removal, and or require patching or painting, or in the case of attachment to landscaping require special treatment to the trees or plant material to which it was attached.

Median shall mean that area of the street between vehicular traffic lanes and improved by concrete and/or landscaping.

Offense shall mean either an uncontested notice of violation issued by a code compliance officer or a finding of violation by a special master.

Person shall mean any individual, trust, labor union, partnership, limited partnership, corporation or other business entity.

Public shall mean owned, operated or controlled by a governmental entity.

Sidewalk shall mean the area located between a curb line or lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Sign shall mean any handbill, poster, advertisement, or other written or printed message or other communication.

Swale area shall mean that area between the property line and the back of the street curb on the edge of the paved roadway.

(d) Exemptions. The following shall be exempt from subsections 82-412(a) and (b):

(1) Signs authorized by the city pursuant to subsection 82-411(d).

(2) Official traffic signs, information signs and warning signs erected by a governmental agency and temporary signs indicating danger.

(3) Historical markers approved by the city historic preservation board.

(4) Temporary special public event directional signs approved pursuant to article IV of this chapter.

(e) Enforcement by code compliance officers; notice of violation. If a code compliance officer as defined in chapter 30 finds a violation of this article, such code compliance officer shall issue a notice of violation to the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to do so shall constitute an admission of the violations and waiver of the right to a hearing.

(f) Civil fines for violators. The following civil fines shall be imposed for each violation of this article:

(1) First offense . . . \$ 50.00

(2) Second offense (within one year of the first offense) . . . 250.00

(3) Third offense/additional offenses (within one year of the first offense) . . . 500.00

(4) First offense for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks or nails that require extra ordinary effort, labor and materials to remove . . . 150.00

(5) Second offense (within one year of the first of the first offense) for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks or nails that require extra ordinary effort, labor and materials to remove . . . 400.00

(6) Third offense/additional offenses (within one year of the first offense) for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks or nails that require extra ordinary effort, labor and materials to remove . . . 750.00

(g) Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal.

(1) A violator who has been served with a notice of violation shall elect either to:

a. Pay the civil fine in the manner indicated on the notice; or

b. Request an administrative hearing before a special master appointed by the city commission upon recommendation of the city manager to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation.

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- (2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 102-384 and 102-385.
- (3) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.
- (4) Any party aggrieved by the decision of the special master may appeal that decision to a court of competent jurisdiction.
- (h) Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.
- (1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
- (2) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.
- (i) Injunctive relief. As an additional means of enforcement, the city may seek injunctive relief and/or follow procedures to revoke an occupational license/certificate of use as set forth in chapters 14 and 102 when there are repeated violations of these land development regulations.
- (j) Removal of signs. The city may cause the removal at the violator's expense of signs posted in violation of this section pursuant to the provisions of this chapter.